



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

September 20, 2006

CERTIFIED RETURN RECEIPT
7004 2510 0004 1824 3984

Bob Jones
Bluffdale Sand & Gravel, Inc.
5635 Waterbury Way Ste C-100
Salt Lake City, Utah 84121

Subject: Notice of Violation for Noncompliance with Rule R647-1-102.3, Bluffdale Sand & Gravel, Inc., Bluffdale Sand & Gravel 1, S/035/022, Salt Lake County, Utah

Dear Mr. Jones:

The City of Bluffdale has provided this agency with formal notification that your operation is not in compliance with their local regulations. Specifically, your operation is not in compliance with zoning and use laws, according to Bluffdale City.

The Utah Legislature has found that application and approval to mine from this Division does **"...not relieve the operator from responsibility to comply with all other applicable statutes, rules, regulations and ordinances..."** 40-8-17 Utah Code.

Although you may disagree with the City's determination, until you resolve issues with the City, you are out of compliance with state rules, R647-1-102.3, titled: *Operator Responsibilities, Compliance with other Local, State and Federal Laws*. The Division finds that your operation constitutes a violation of the Mined Land Reclamation Act and rules and therefore a notice of violation is being issued in writing concerning this matter. Please see the enclosed written notice of violation.

Your timelines for compliance and rights of appeal are detailed on the enclosed form of the notice of violation. I urge you to attend to this matter of zoning and other requirements in a timely fashion less a further step become necessary for this division to issue a Cease Mining Order.

Sincerely,

Mary Ann Wright
Associate Director
Mining Program

MAW:pb

cc: Steve Alder, State Assistant Attorney General
Todd D. Weiler, Counsel for Bluffdale City

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Notice of Violation ☒ No. MN2006-03-12-01
Cessation Order ☐ No. _____

CERTIFIED RETURN RECEIPT # 7004 2510 0004 1824 3984

To the following Permittee or Operator:

Permittee/Operator Name: Bluffdale Sand and Gravel, Inc.

Mine Name: Bluffdale Sand and Gravel #1 ☒ Surface ☐ Underground ☐ Other

County: Salt Lake State: Utah Telephone Number: _____

Business Address: 5635 Waterbury Way, Suite C100, Salt Lake City, Utah 84121

Permit Number: M0350022

Ownership Category: ☐ State ☐ BLM ☐ USFS ☒ Fee ☐ Other

Date of Inspection: No on-site inspection conducted Time: _____ ☐ a.m. ☐ p.m. to _____ ☐ a.m. ☐ p.m.

Under authority of the Utah Mined Land Reclamation Act, Section 40-8-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas, and Mining has conducted an inspection of above mine on above date and has found that a Notice of Violation or Cessation Order must be issued with respect to the conditions, practices, or violations listed. In accordance with Section 40-8-9, *Utah Code Annotated*, you are ordered to cease immediately the operations or activity described and to perform the required actions described within the designated time for abatement.

The undersigned representative finds that this order ☐ does require cessation of all mining;
☒ does not require cessation of all mining.

For this purpose, "mining" means development of, or extraction of a mineral deposit, including transportation within or from the mine site, concentrating, milling, evaporation, or other processing. Mining and/or reclamation operations not directly the subject of this order shall continue while this order is in effect. You are responsible for doing all work in a safe and workmanlike manner.

This order shall remain in effect until it is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas, and Mining.

Date of service/mailling: September 20, 2006 Time of service/mailling 3:30 ☐ a.m. ☒ p.m.

Robert A. Jones
Permittee or Operator Representative

President, Registered Agent
Title

Signature

Paul B. Baker
Division of Oil, Gas & Mining Representative

Senior Reclamation Biologist
Title

Signature

Notice of Violation NO. MN2006-03-12-01

Violation No. 1 of 1

Page 3 of 3

Nature of condition, practice, or violation:

Failure to comply with applicable statutes, rules, regulations, or ordinances of a local agency, Bluffdale City, with jurisdiction over the mining operations.

Provisions of act, regulations, or permit violated:

R647-1-102.3; UCA 40-8-17

(Check box if appropriate:)

- ☐ Condition, practice, or violation is creating an imminent danger to health or safety of the public.
- ☐ Permittee/Operator is/has been conducting mining activities without a permit.
- ☐ Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.
- ☐ Permittee or Operator has failed to abate Violation(s) No. _____ included in Notice of Violation No. or Cessation Order No. M _____ within time for abatement originally fixed or subsequently extended.

Mining activity to be ceased immediately:

Affirmative obligation(s) or required action and abatement time (if applicable):

Meet with appropriate Bluffdale City officials and develop a written plan for resolving conflicts between the zoning and current land use (mining operations). By November 1, 2006, present this plan to the Division showing how Bluffdale Sand and Gravel will come into compliance with City ordinances.

pb

cc: DOGM
File

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